

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CHRISTINA PORRITT and,  
LAUREN BRADLEY,

Relators,

v.

MACLEAN POWER SYSTEMS, L.P. and  
MACLEAN-FOGG COMPANY,

Defendants.

Civil Action No. 10-cv-00519-DRH-DGW

Chief Judge David R. Herndon  
Magistrate Judge Donald G. Wilkerson

**DECLARATION OF DHRUVA MANDAL**

I, Dhruva Mandal, declare the following, based upon my personal knowledge:

1. I make this declaration in support of Defendants MacLean Power Systems, L.P.'s ("MPS") and MacLean-Fogg Company's ("MF") Memorandum in Support of Their Motion to Dismiss Pursuant to Rule 12(b) of the Federal Rules of Civil Procedure and Defendants MPS's and MF's Memorandum in Support of Their Motion to Transfer to the Northern District of Illinois. I have personal knowledge of the following, and if called upon as a witness, I could and would testify competently to the facts set forth herein.

2. I am currently and have been the Vice President and General Manager of MacLean Power, L.L.C. since June 2009. From 2006 until June 2009, I was the General Manager at MacLean Flowform, L.L.C. From 2002 until 2005, I was a Product Line Manager for MacLean Vehicle Systems.

3. MPS was a limited partnership that dissolved via cancellation of the limited partnership's certificate on January 26, 2000. MPS was reorganized as MacLean Power, L.L.C. ("MP") prior to January 26, 2000. MP is a Delaware corporation with its headquarters at 7801

Park Place Rd, York, South Carolina. MP also has a place of business located at 11411 Addison Avenue, Franklin Park, Illinois. Franklin Park is located in Cook County, which is in the Northern District of Illinois.

4. The decisions relating to the sale, advertising, and packaging of square shank barbed staples as identified in Exhibit 3 of Relators' Complaint originate with MP employees located in Franklin Park. Since at least January 1, 2006, MP has not directly sold any products, including square shank barbed staples, to any customer located in the Southern District of Illinois. Since at least January 1, 2006, MP has not sold any products, including square shank barbed staples, to any distributor located in the United States District Court of the Southern District of Illinois. Since at least January 1, 2006, MP has not directly shipped any product, including the square shank barbed staples, to any customer located in the Southern District of Illinois.

5. The website identified in Exhibit 3 of Relators' Complaint is owned, maintained and operated by MP in Franklin Park, Illinois. The decisions by MP related to displaying the square shank barbed staples on MP's website originate in Franklin Park, Illinois. No decisions by MP related to displaying the square shank barbed staples on MPS's website originate in the Southern District of Illinois. All decisions related to displaying United States Patent Number 3,945,293 ("the '293 patent"), as identified in paragraph 15 of Relators' Complaint, on MP's website originate in Franklin Park, Illinois. No decisions related to displaying the '293 patent on MP's website originate in the Southern District of Illinois. All decisions related to displaying United States Patent Number 3,969,975 ("the '975 patent"), as identified in paragraph 17 of Relators' Complaint, on MP's website originate in Franklin Park, Illinois. No decisions related to displaying the '975 patent on MP's website originate in the Southern District of Illinois.

6. MP has not marked upon or affixed to any name or any imitation of the name of a patentee, any patent number, or the words "patent" or "patentee" to any square shank barbed staple. MP has not marked upon or affixed to any name or any imitation of the name of a patentee, any patent number, or the words "patent" or "patentee" to any package containing square shank barbed staples.

7. MP does not manufacture any product, including the square shank barbed staples, in the Southern District of Illinois. MP does not package any product, including the square shank barbed staples, in the Southern District of Illinois. Any packaging of the square shank barbed staples is performed in the Northern District of Illinois. MP does not own warehouses or store products in storage facilities located in the Southern District of Illinois. MP does not have any sales offices located in the Southern District of Illinois. No current employees of MP reside in the Southern District of Illinois. I am not aware of any employees of MP who have travelled into the Southern District of Illinois for the purpose of soliciting business. No current sales representatives of MP reside in the Southern District of Illinois.

8. MP does not own land in the Southern District of Illinois. MP does not pay taxes to any city or any county located in the Southern District of Illinois. MP has an agent dedicated for service of process in Delaware. MP does not have an agent dedicated for service of process in the Southern District of Illinois.

9. MP does not target this district with any advertising. MP advertises through its website, which is publicly accessible. Although MP's website is viewable from the Southern District of Illinois, it is not specially designed or intended for the Southern District of Illinois. MP does not use its website to advertise in the Southern District of Illinois over any other district.

10. Most if not all of the original documentation related to marketing and advertising the square shank barbed staples is located in Franklin Park, Illinois. Original documentation relating to MP's financial condition and its ability to pay any fine that might be assessed as a result of this case is located in Franklin Park, Illinois or York, South Carolina.

11. MP's website does not provide anyone with the ability to place an order for the purchase of MP's products through MP's website. MP's distributors can create online accounts through MP's website for the purpose of monitoring the status of placed orders. However, even MP's distributors who have online accounts cannot place orders online through their online account.

12. MacLean-Fogg Company ("MF") is a Delaware corporation with its headquarters at 1000 Allanson Road, Mundelein, Illinois. Mundelein is located in Lake County, which is in the Northern District of Illinois. The decisions relating to operations and management of MF originate with the employees in Mundelein, Illinois. MF has an ownership interest in MP. MF provides various support services to MP, such as financing, tax services, and health care.


13. MF is not involved in the daily operations of MP. MF does not sell the square shank barbed staples as identified in Exhibit 3 of Relators' Complaint. MF does not engage in any activity related to advertising square shank barbed staples. MF does not display on its own website the square shank barbed staples. MF is not involved with the maintenance or operation of MP's website. MF is not involved in the decisions regarding the contents that are displayed on MP's website.

14. MF has never marked upon or affixed to any name or any imitation of the name of a patentee, any patent number, or the words "patent" or "patentee" to the square shank barbed staples. MF has not marked upon or affixed to any name or any imitation of the name of a

patentee, any patent number, or the words "patent" or "patentee" to any package containing the square shank barbed staples.

15. MF does not sell or ship any product, including square shank barbed staples, in the Southern District of Illinois. MF does not manufacture products, including the square shank barbed staples, in the Southern District of Illinois. MF does not package products, including the square shank barbed staples, in the Southern District of Illinois. MF does not own warehouses or store products in warehouses or other storage facilities in the Southern District of Illinois. No current employees of MF reside in the Southern District of Illinois.

16. I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct to the best of my knowledge, information and belief.

  
Dhruva Mandal

Dated: 8/31, 2010